

D. The Court of Appeals, though not permitted under the law to admit as a defence against the State, the well known facts attending Archer's defalcations, have not hesitated to express their views of the hardship of the case. The hardship to the State having been suggested, they say: "We have nothing to do with the supposed hardship of the case, but it must be evident that the hardship is not entirely on one side. When Archer's sureties executed this official bond, they had a most just and reasonable expectation that their liability would not extend beyond the period of two years, with the addition of the short time allowed by law for the qualification of a successor. Circumstances, which are well-known, continued their liability for two years longer, and this occurred without any default on their part. The law operated against them with great severity, but it was enforced."

Opinion of the Court, per Judge Bryan, on motion to remand for new trial case on bond of 1886.

E. Precedents for the relief of sureties on official bonds are numerous. In this State the Legislature (Act of 1858, chapter 286), released *entirely* the sureties of Lloyd B. Smith, Collector of Taxes in Allegany county, and in 15 Md., 205, (State vs. Hendrickson & Smith) the Court of Appeals affirmed the right of the Legislature to do so. Again (Act 1886, ch. 327,) the Legislature released *entirely* the sureties of Sheriff Knotts, of Caroline county.

Acts of our own Legislature for *partial* release of sureties are very numerous.

Amongst the Acts of Congress are many such precedents.

About 1842, Purser Southall, of the Navy, defaulted to the extent of \$40,000, and in 1852 or 1853, Congress released his sureties upon the payment of \$1,400.

About 1872, David L. Stanton, Collector of Internal Revenue for a Maryland District, defaulted to the extent of \$40,000. The Forty-Third Congress in 1875, released entirely Zephaniah Poteet, Jno. H. Longnecker and John T. Ensor, his sureties. (State at Large, volume 18, part 3, page 419.)